

REMARKS:

In response to the Office Action of April 30, 2003, Applicant has amended claims 48 and 49. No new matter has been added. Reconsideration of the application in amended form is respectfully requested.

The Examiner rejected claims 27, 30, 31, 33, 36-45, 48 and 49 under 35 U.S.C. §112, first paragraph, as containing subject matter that is not properly described in the specification. Specifically, the Examiner states that it is not disclosed as how “said microprocessor for delaying operation of one of said plurality of fixtures for an adjustable selected period of time” is effected. Applicant disagrees.

As provided in the specification, the microprocessor determines whether to permit operation of a control valve associated with a corresponding fixture subsequent to receipt of a demand signal from the associated sensor on the fixture. (See page 12, line 25 – page 13, line 3). Figure 6 provides the algorithm by which the microprocessor follows to make this determination. Because a microprocessor is used to operate the algorithm, it is possible to adjust the maximum usage rate based upon time of day and between cells and cell blocks. (See page 13, lines 22-25. As with the maximum usage rate, because of the microprocessor control, a delay of operation may also adjusted as desired. (See page 13, line 26 – page 14, line 14). A microprocessor that receives an input signal, and sends an output signal in response thereto at an selected period of time, which is an adjustable selected period of time, was well known in the art at the time this application was filed. For example, a microprocessor sold by Motorola as MC68HC811EZIP may be used. (See page 12, lines 25-27). Applicant respectfully submits that the specification discloses

sufficient information for one skilled in the art to understand and practice the present invention. As such, Applicant requests that the Examiner withdraw this rejection.

The Examiner has rejected claims 27, 30, 33 and 48 as being anticipated by U.S. Patent No. 4,914,758 to Shaw. Applicant submits that the '758 patent is not prior art to the present application, which claims priority to application Serial No. 07/382,113, which was filed July 20, 1989. The inventor of the present application is the same inventor for the '758 patent. The '758 patent has a publication date of April 10, 1990. Thus, the '758 patent does not qualify as prior art under 35 U.S.C. §102(e). Withdrawal of this rejection is requested.

The Examiner has also rejected claim 31 as being unpatentable over Shaw. For the reasons set forth above, applicant submits that this rejection should be withdrawn as improper.

The Examiner has rejected claims 48-49 as being anticipated by U.S. Patent No. 4,471,498 to Robertshaw. As shown in Figure 1 of the '498 patent, a plurality of stalls S are provided, which are fitted with conventional flush pipes P. All of the flush pipes are connected to a solenoid valve SV, which is connected to a control box CB. A door switch DS is also connected to the control box CB. When the door switch is activated, a delay D1 in the control box causes a delay for actuating solenoid valve SV. After the delay, all of the stalls flush. Thus, Robertshaw provides for a cistern flushing system, wherein all stalls are flushed at the same time.

The '498 patent does not disclose a system that determines which sensor and associated stall is requesting operation out of a plurality of fixtures. Nor does the '498 patent disclose a system that delays operation of a particular fixture out of a plurality of

fixtures. Rather, all fixtures (i.e. stall S) in the system disclosed in the '498 patent are operated at the same time after the delay period after the door switch is operated.

In the present invention, the disclosed method determines which sensor and associated fixture is requesting operation out of a plurality of fixtures. Operation of a valve operably associated with that fixture is delayed for an adjustable selected period of time. All fixtures are not operated at the same time, as in the '498 patent. The Examiner has acknowledged that Robertshaw does not include associating a valve and sensor with individual fixtures. Applicant has amended claims 48 and 49 in clarification.

Applicant acknowledges the Examiner's statement that controlling water flow in a "prison" plumbing system, as set forth in the preamble, is merely a label. However, water systems for prisons must accommodate unique issues and problems compared to a conventional control system for a communal lavatory, such as disclosed in the '498 patent. Therefore, the control of a prison water system is not a trite distinction from a water system in a conventional building. Applicant respectfully requests reconsideration of the rejection of claims 48-49 as amended.

The Examiner has rejected claims 27, 30, 31, 33, 36, 48 and 49 as being obvious over Robertshaw, Evelyn-Veere et al. (U.S. Patent No. 4,176,395), and Atkins et al. (U.S. Patent No. 3,314,081). The Examiner states that the controller in the '498 patent is a microprocessor as it includes a timing chip, and the term microprocessor connotes no distinguishing structure thereover. Applicant disagrees. The timing chip in the '498 patent automatically overrides the door switch DS at predetermined intervals and again causes all stalls S to flush.

In the present invention, the microprocessor delays operation of one of a plurality of fixtures for an adjustable selected period of time after actuation of one of the sensors. The timing chip in the '498 patent does not perform the same function, and therefore is not an analogous component to the microprocessor in the present invention.

The Examiner also states that Evelyn-Veere et al. teaches that it is a matter of choice to implement a controller as either a microprocessor or hard-wired. To the extent the '395 patent teaches and/or suggests that implementation of a controller may be either a microprocessor or hard-wired, Applicant submits that this reference teaches away from the system of the present invention. If the controller disclosed in the '395 patent may be hard-wired, it is obviously not an analogous component to the microprocessor in the present invention. It is the very ability of the microprocessor in the present invention to be adjustable and not hard-wired that provides an acceptable water control system for prisons.

Evelyn-Veere et al. is directed to an irrigation control system. As such, the controller need not be selectable and adjustable. Therefore, in that patent, the controller may be either a microprocessor or hardwired. However, this does not support the Examiner's proposition that it is a matter of choice to implement either a microprocessor or hard-wired lines for any "controller" generally. Obviously, different systems will require different controllers. A hardwired system would not be applicable for the present invention.

Regarding the Atkins patent, Applicant asserts that it is not an analogous water control system to the present invention. The '081 does not provide a system that delays operation for an adjustable selected period of time. Rather, the '081 patent simply

provides for a predetermined delay time for actuating a fixture. The delay period is not adjustable. In addition, Atkins fails to provide for a microprocessor as in the present invention, which delays operation for an adjustable selected period of time after actuation of a sensor, and which is remote from the fixture.

The Examiner states that it would have been obvious to one of ordinary skill in the art to associate a valve and sensor with individual fixtures of the Robertshaw water control system in order to prevent splashing or disturbing a user. Applicant disagrees that the present invention is obvious in view of these references, given the control system in the present invention is neither a cistern system, nor a system having a predetermined delay period, as in the Robertshaw and Atkins systems. In addition, the present invention is not concerned with preventing splashing or disturbing a user.

The Examiner has rejected claims 27, 30, 31, 33, 36-39, 48 and 49 as being obvious over Robertshaw, Evelyn-Veere and Atkins, in further view of Morris et al. (U.S. Patent No. 4,195,374). The Examiner states that, in view of Morris et al., it would have been obvious to associate a plurality of indicators with the Robertshaw water control system in order to facilitate use in a prison. Although Morris et al. mentions the use of lights, the '374 patent fails to disclose a controller with an adjustable time delay as in the present invention.

The Examiner has rejected claims 40-45 as being obvious over Robertshaw, Evelyn-Veere, Atkins, Morris et al., and further in view of Book. Book discloses the use of a plurality of switches generally. However, Book does not include a microprocessor as in the present invention, nor does Book, Robertshaw, Evelyn-Veere, Atkins or Morris et al. suggest or teach the combined features claimed in the present invention.

The Examiner relies on numerous references for asserting the obviousness rejections. However, none of the cited references teach or suggest combining the features claimed by Applicant. As such, reconsideration is respectfully requested. Applicant earnestly solicits allowance of the pending claims.

It is believed that no fee is due with this submission. Should that determination be incorrect, then please debit Account No. 50-0548 and notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. C. Schrot', with a stylized flourish at the end.

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